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1999 Hanford Openness Workshop #5
Is Openness Working? A Progress Report Report from Stakeholders
September 7-8, 1999
SeaTac Radisson Hotel, 17001 Pacific Highway South, SeaTac, WA

SUMMARY

PARTICIPATING:

Debi Abramson, Lockheed Martin Hanford Company; Jessica Alcorn, International Institute for Indigenous Resource Management; Donna Baldonado, Max Power, Washington Department of Ecology; Greg deBruler, Columbia River United; Dirk Dunning, Oregon Office of Energy; Kim Engles, PNNL Hanford Declassification Project; Elaine Faustman, Michael Kern, Todd Martin, Donna Prisbrey, Consortium for Risk Evaluation with Stakeholder Participation (CRESP); Andy Gordon, University of Washington; Linda Jarnagin, Yvonne Sherman, Rick Stutheit, Department of Energy (DOE)-Richland Operations Office; Russell Jim; Nanci Peters, Yakama Nation; Diane Larson, Public at Large; Gerry Pollet, Heart of America Northwest; Jim Trombold, Physicians for Social Responsibility.

INTRODUCTION AND MEETING BUSINESS

Michael Kern welcomed participants and asked them to introduce themselves.

DOE OPENNESS UPDATE

Yvonne Sherman announced that the Department of Energy has added enhancements to OpenNet, the web site that provides information on DOE documents online. She suggested participants mention these upgrades in the information tools positive and negative examples of the 1999 Report.

She also announced that Dick Meserve, Chair of the Secretary of Energy Advisory Board's Openness Advisory Panel, is leaving the Panel to join the Nuclear Regulatory Commission, probably as its chair. She recommended the Workshops send a letter to DOE suggesting a representative from the public fill the opening on the Panel, echoing the recommendation the Workshops made to the representatives from the Panel who presented at the 1998 Workshops.

She noted the upcoming turn of the century brings an end to the Year 2000 issue and recommended sending a letter to DOE-Headquarters calling for Year 2000 funding to shift to records management. Participants agreed that this was a good idea.

She announced that Paul Kruger has moved from the DOE-Richland Operations Office Environmental Safety and Health program to the new Office of River Protection. He will train his replacement, Sandra Johnson from the Savannah River Site, about the Workshops and openness issues at Hanford. Jim Bauer of DOE-Richland Employee Concerns is joining the office of the Deputy Manager for Business Services. Also the new site manager has announced a reorganization at DOE-Richland, which may interest HOW participants.

Yvonne Sherman also announced that there is a new finding aide in the DOE-Richland Reading Room that lists documents by their document number, organized by department or title. Terri Traub of the Reading Room, plans to create a place for unusual finding aides and all electronic finding aides will go on the Hanford Home Page.

Finally, Yvonne Sherman stated that last week Hanford Declassification Project personnel met with the Nez Perce Tribe in Lapwai, Idaho, an outcome from 1999 HOW #4, the Tribal Openness Workshop.

PEIS STAKEHOLDER FORUM UPDATE

Dirk Dunning and Greg deBruler updated participants on the June 3-4 Programmatic Environmental Impact Statement Settlement Stakeholder Forum, held in Columbia, MD to discuss the Central Internet Database being developed by DOE-Headquarters as part of the settlement. Dirk Dunning noted the online summary for the forum (www.em.do.gov/settlemtn/index2.html) is very good. The only thing missing is the break out sessions, where much information was exchanged. He contrasted the focus of the people running the meeting with those attending-the coordinators had a deadline to meet and wanted to focus on the minimum requirements, while some of the stakeholders wanted to make clear this is just the first step. Greg deBruler reported that by the end of the meeting, DOE seemed to value making the Central Internet Database useful, not just meeting the requirements of the lawsuit. Elaine Faustman noted that she had heard that the Forum did have an impact within DOE.

PROGRESS REPORT REVIEW Participants reviewed and approved each section of the draft 1999 Progress Report. Participants agreed on the following stylistic elements to apply throughout the report:

- All URLs will be listed in endnotes.
 - The word "Tribe" or "Tribal" will be capitalized when it refers to a specific Tribe, otherwise lower case, similar to the term "state," "country" or "nation."
 - Each section will begin on a new page, to ease readability.
 - Case studies will be lettered rather than numbered to distinguish them from recommendations and make it clear that they are not ranked.
 - The Hanford Declassification Project has changed its name to the National Security Analysis Team and the Report will reflect that.
 - The tone of the report, specifically the recommendations, will be consistent: firm, clearly stated but not antagonistic. "Need to," "should," or "must" are more appropriate than "should consider" or "could."
 - The Report will include a call for ongoing dialogue, because the conversation with the program managers was just a beginning; it is not finished.
- The final version of the 1999 Report will be designed and formatted similar to the 1998 report.

Michael Kern explained that the names listed for each working group included those who

attended the 1999 break-out sessions or participated in the 1998 working group. Those who took part in discussions or conferences calls who are not HOW members were also listed. The group verified the accuracy of these names at the start of each report section discussion.

Employee Openness Report

The group agreed to add DOE's policy of reimbursing contractors for litigation expenses as a negative example.

The group agreed to add newspaper reports describing managers listening to a tape from the employee concerns hotline as a negative example and to point out the severe chilling effect these news stories have had on the credibility of the Employee Concerns program.

Gerry Pollet asked that the executive summary include the theme that performance measures from the 1998 Report have not yet been adopted.

He told participants that under the new management structure at DOE-Richland, Lockheed Martin is split from Fluor Daniel Hanford. He suggested adding a recommendation to the report that the Hanford Joint Council cover all the major contractors on the site, otherwise the Council might cover a shrinking group of contractors.

Participants decided that openness measures in general need to target the Office of River Protection as well as DOE-Richland.

Gerry Pollet said they learned in the Employee Concerns Working Group's break out session at HOW #2/3 that waste, fraud and abuse cases go to the Inspector General and do not get tracked. He suggested adding a recommendation that employees should be able to address these concerns with the Employee Concerns office and Hanford Joint Council, giving waste and fraud cases the same protection as environmental violations.

Max Power pointed out that the fourth recommendation under the Employee Concerns Program should be moved and become a description under the third recommendation.

Yvonne Sherman pointed out that the conversations which resolve many employee concerns between employees and their direct supervisors, on page four of the draft, also include safety representatives like Debie Abramson. Yvonne Sherman pointed out that tracking of these conversations does not exist and suggested changing the words, "not currently available."

Max Power suggested rewriting the final paragraph in the discussion section and moving the three paragraphs from the beginning to the end of the section, linking the history of the 1998 Recommendations with the Working Groups' conclusions.

Gerry Pollet pointed out that the goals listed in the opening paragraph of the Employee Concerns section, on page seven, are part of a larger goal: Encouraging the raising of employee concerns and their resolution without fear of any adverse impact on employees. The report will clarify that this is vital to an employee concerns program.

Information Tools Report

Gerry Pollet complimented the Information Tools Working Group on the amount of work they put into this section, saying the recommendations and the examples are superb.

Angel McCormack disagreed with the statement on page nine that the results of the keyword search were mixed, saying the keywords were not useful for the tribal-focused searches. Andy Gordon pointed out that his students found actual documents which were useful to the tribes, though the keywords and title were not useful and at times misleading. Dirk Dunning and Max Power offered suggestions to fix this and put together a sentence for the report.

Greg deBruler recommended changing the order of the Negative Examples. He also suggested several editorial changes for the CRCIA example.

Andy Gordon suggested changing the phrase "key words" in the recommendation on document abstracts to "full text search," because a keyword is something specific in this context.

Participants decided to explain the "promising" category of the examples section, noting that these are positive programs that are not yet fully realized, often due to a lack of funding.

Declassification Report

Kim Engle corrected the spelling of Walter Nicase.

Michael Kern suggested a rewrite of the three paragraphs at the end of the National Archives Records section, combining them into one. Participants discussed that although Hanford is notified before the National Archives destroys any records, the stakeholder is not included. If a document is classified for the entire retention period then the purpose of retention is lost. Participants agreed that records should not go from classified to destroyed without a review in between. The recommendation will be reworded.

Later in the day participants heard from Gail Clark of DOE-Richland about the issue of records requested in the Downwinder litigation process. Based on the information she provided, Todd Martin and Greg deBruler drafted additions to the Declassification section which the group reviewed and approved. The theme of these additions was that a plan for document review that does not foresee eventual release to the general public is not complete.

Public Involvement Report

Gerry Pollet agreed to provide specifics about why the Budget Meetings/Workshops in Seattle were only "adequate."

Participants decided to clarify what "interesting and timely advertising" is by rewriting the description and adding an example from Greg deBruler in the Appendix.

Greg deBruler suggested rewriting the discussion section clarifying the five areas the Public Involvement Working Group looked at, the lack of accountability that the Working Group found for the five areas, and the problem that dialogue before decisions is not possible without timely response.

Max Power will draft a footnote explaining the Tri-Party agreement so readers not familiar with Hanford will understand why DOE, Ecology and EPA are mentioned together in the positive and negative examples.

Gerry Pollet suggested moving the November 13th Solid Waste Scoping meeting from a mixed example to a negative example.

Michael Kern pointed out that the 1998 budget meetings are listed as negative examples whereas the 1999 meetings are listed as a positive example. He asked if participants wanted to add explicit wording about the improvement. Dirk Dunning agreed and suggested adding that in 1996 there were no meetings at all. He stated there has been a lot of progress and they are still improving.

Nanci Peters said there is not a true government-to-government notification process so the word "tribal" needs to be removed from the list of actions that resulted in top ratings and the problem listed as a negative example.

Greg deBruler recommended adding two positive examples: 1999 100 Area Record of Decision meetings, and the CRCIA, which had positive outcomes. He will draft these examples.

Participants discussed alternate ways to group these examples, including the merit of a "mixed-rating" category. They decided to delete the mixed examples and moved those examples to the positive and negative categories.

Greg deBruler suggested adding to the FFTF meeting description in the negative example section that DOE is going to go ahead without input from the public, without public meetings and with a lack of transparency.

Dirk Dunning noted that the Hanford Home Page identifies all DOE public involvement meetings, but the page was only recently linked to lists of contractor public involvement events, and there may be contractor links not found yet. Gerry Pollet suggested adding this information to the discussion section.

RECORDS REQUESTED IN LEGAL PROCESSES

The group finished the first half of the workshop with a presentation from Gail Clark, a records manager for DOE-Richland assigned to the Downwinder litigation.

Gail Clark explained that her program is funded separately from other Hanford declassification, review or records activities. Her group responds to requests from litigants from both sides of the Downwinders suit, sends each side the same information as the other, and clearly marks controlled information in the reviewed documents. The litigants signed agreements protecting privacy and controlled information and can receive documents the general public cannot. Her program is not funded to produce documents for public release.

The program has several unique finding aides that help the litigants manage the large numbers of documents involved. She distributed a list of the finding aides her program has produced. For example, they have the only index to the National Archives outside the Archives, and a resident expert who can interpret this document. They indexed the History

Division Job List at DOE -Headquarters. They have also produced several indices which include unique, never classified documents.

Yvonne Sherman suggested that the Grand Rhonde and the Gerber indices would be the most useful to Workshop participants. She submitted the Grand Rhonde to the National Security Analysis Team (formerly the Hanford Declassification Project) for review and distributed it on a CD-ROM to participants. The Gerber index will also be distributed once completed. None of the records mentioned on the CD-ROM duplicate any of the documents in the Declassified Document Tracking System, because the Grand Ronde documents were never classified.

Gail Clark explained that the indices which are classified reference some contents which are classified. Members of the public have to submit a Freedom of Information Act request for the index or document they want.

Participants explained to Gail Clark that they want DOE to release the information the litigants receive. She explained that her program is not funded for release to the public and noted that the courts only mandated the release of the documents to litigants. Participants decided to add a recommendation to the 1999 Report calling for the eventual release to the general public of documents reviewed during the discovery process of litigation in which DOE is involved.

Yvonne Sherman asked the Workshops to look at the indices that are cleared and start to make priorities on declassification using the tools at hand. Participants can also request other indices for review.

Gail Clark explained that because her program is court mandated it is fully funded. Rick Stutheit and Yvonne Sherman each have noticed a trend of dwindling funding for their programs. Greg deBruler noted that there is still an incredible demand for the documents Rick Stutheit and Yvonne Sherman get to the public.

Tribal Openness Report

Michael Kern noted that the draft Report had failed to mention the outcome that the Workshop Spokesperson will meet with a Tribal Cultural Group.

Angel McCormack suggested rewording the second paragraph of this section to say tribal representatives wish to be part of the declassification process.

Rick Stutheit noted that the meeting between the declassifiers and the Nez Perce Tribe occurred September 2. Nanci Peters suggested adding that meetings with the other tribes are currently being scheduled.

Angel McCormack suggested adding as a negative example DOE's failure to give tribes notification of meetings in a government-to-government manner.

Russel Jim drafted different wording for the negative example on interpretation of treaty rights.

Yvonne Sherman asked about the status of the Educational Packet, which needed

formatting, tribal review and reprint permission issues addressed. Michael Kern responded that formatting and reprint permission issues were nearly completed and every publisher contacted granted reprint permission.

Lessons Learned and Next Steps

Michael Kern suggested adding the lesson that all correspondence must go to both DOE and the Office of River Protection. He also suggested adding a reference in the Openness and Security discussion to the Openness and Security memo in the appendix of the report.

Participants discussed how to rewrite the "meeting with managers" section to emphasize their desire to meet with the new manager. Greg deBruler suggested adding the desire to meet with the manager's key staff to communicate the information to a larger number of decision makers.

Participants discussed the wording of the Hanford Openness Workshops and Hanford Advisory Board section. They agreed with the way the draft explains why the Workshops are separate from the Board, yet leaves the door open for things to change. Max Power suggested pointing out the overlap with the Board's Public Involvement committee.

Greg deBruler suggested revising the tone of the last page to indicate the past two series of Workshops are just a beginning. He said the Workshops have yet to communicate the report or to ensure DOE implements the Workshops' recommendations. He said it is not enough to produce a report, the Workshops also need to establish interface and implementation mechanisms.

Dirk Dunning stated that he and Mary Lou Blazek had discussed the current lack of clear short-term goals and spoke of the viability of not holding workshops for a short time and working off line. Michael Kern said the impression he had of the group was they wanted to produce a good report, take a "breather," meet with the new managers and then set new goals. Max Power pointed out that a function of the Workshops has been to send letters on openness issues and suggested continuing this role during the "breather" if an appropriate issue arises.

Jim Trombold suggested a hand delivery of the Report to the head people at DOE and the Office of River Protection before it is widely distributed. The meeting would be short with verbal communication of the report's key points and a formal presentation of the printed report. The Workshops would schedule a longer, follow-up meeting a few months in the future, when the reorganization is complete. Participants strongly supported this approach.

Participants decided to send a copy of the executive summaries of the 1998 and 1999 Reports to all Site Specific Advisory Board members.

Angel McCormack suggested including a feed-back mechanism in the report distribution so that the Workshops can track where the report goes and where there is interest in openness. The feed-back would begin two-way conversation with the readers.

Executive Summary

Michael Kern explained that CRESP will distill the report into an executive summary and

then distribute that summary with the final draft report to the participants for review before the second week of October.

Appendices

Participants reviewed the new appendices in the Appendices packet. Greg deBruler suggested adding the years of the documents to the Information Tools OCR Test, and Andy Gordon said he would look in to it. Participants decided to send the letter to DOE about Incentives to Mediate to Keith Klein, Dick French, Bill Richardson and Carolyn Huntoon. Participants also made several small editorial corrections to the Draft Public Involvement Evaluation Plan and the DOE Letter.

Fact Sheets

Participants reviewed the new HOW fact sheets and the proposed changes to the 1998 fact sheets. Participants decided to add a date to each fact sheet and to rewrite the Background Fact Sheet to include results of the 1999 series, but keep the length to one page, front and back. CRESP will draft the new Fact Sheet and distribute it to participants for review.

Participants decided to remove the sentence in the Document Review Fact Sheet which stated "The resources needed to conduct a complete declassification review of all Hanford classified records would be too high," because the Hanford Declassification Project (now National Security Analysis Team) does that. Participants decided to add a point in the bulleted list describing the tribal dialogue begun with the declassifiers.

Rick Stutheit verified that the statistics listed in the Classified Information Fact Sheet are for Richland, not complex-wide. He noted the clause describing "need to know" is inaccurate and suggested removing it. Participants decided to add the statistics for Fiscal Year 1998 and to cite the source and date of the statistics.

Dirk Dunning volunteered to help track down several of the links which had "broken" since the WWW Resources Fact sheet was last printed. Participants decided to make the following changes:

- to change the title of the WWW Resources Fact sheet to Internet Resources,
- to add the fact that HOW reports and (soon) fact sheets are on available on the HOW web site,
- to list the HOW web site first and the Hanford Home Page second,
- to note the date when these web page addresses were last verified and add a disclaimer that web addresses often change over time,
- to mention the Hanford Tribal page,
- to cite the Office of River Protection page,
- to note that contractor pages can be linked from the Hanford Home Page,
- and to update the RDD-3 reference to the RDD-5.

Participants decided to make the following changes to the Tribal Openness Concerns Fact Sheet: -- to reference the Declassification Fact Sheet in the discussion of declassification in the Tribal Openness Concerns Fact Sheet,
-- to note the tribal page link in the Hanford Home Page,
-- to reword the bullet which explains that declassification is only one of the tribal openness concerns,

-- and to delete the sentence describing the keyword-adding problems tribes have with never-classified and already-released documents.

The Employee Concerns Working Group is still drafting the Employee Concerns Fact Sheet and it was not available for the workshop. CRESP will distribute the draft for review when it is completed.

Rick Stutheit agreed to find the statistics describing the number of classified documents Hanford produced in 1998 and 1999 for the Openness and Security Fact Sheet. Participants decided to use James Madison's quote in the Fact Sheet on the front cover of the 1999 Report, with a note on the back cover explaining that Freedom of Information Day is James Madison's birthday.

Participants added contacts for the Public Involvement Fact Sheet. They decided to add a sentence after the description of public involvement stating that public involvement requires dialogue and to incorporate the revisions to Public Involvement Progress Report section of the 1999 Report in the Fact Sheet.

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For questions or comments about this page, please send email to Yvonne_T_Sherman@rl.gov
URL: <http://www.hanford.gov/boards/openness/summary/09070899.htm>

Last Updated: 10/31/2002 11:46:09

